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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,135	11/14/2000	Pradeep Javangula	50269-0503	3533
29315	7590	10/18/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,135

Applicant(s)

JAVANGULA ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-22, 24-36 and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,512,919 to Ogasawara. Ogasawara discloses an electronic shopping system for processing electronic transactions, wherein input to initiate sequences cause the steps of receiving, at an intermediary (26), first order data for an order (col. 6, lines 58-59) and device identification data (col. 6, lines 25-31) from a mobile device (18), wherein the first order data identifies one or more products or services that a user associated with the mobile device desires to purchase from one of a plurality of merchants (col. 6, lines 60-61), yet includes less than a minimum set of data required by the merchant(s) to completely process the order and wherein

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the device identification data identifies the mobile device; retrieving, by the intermediary, based upon device identification data, at least one data item (18) that is not contained in the first order data, but that is required to completely process the order (col. 6, lines 12-16); generating, by the intermediary, based upon first order data and the one data item, second order data (col. 7, lines 13-15) that includes the minimum set of data required by the merchant(s) to completely process the order; and providing the second order data to the merchant(s) for processing (col. 3, lines 34-42).

Referring to claims, 2-8, 10, 16-22, 24, 30-36 and 38, Ogasawara discloses further that the purchase transaction program requests a password synonymous with a personal identification number which is authenticated or verified (col. 7, lines 1-8). As cited above, customer identification data is retrieved from a database within the store or remote server. Order fulfillment or product information needed to fulfill an order is received by the user's mobile device along with pricing or billing information when coded information is sent to the server via the mobile device (col. 6, lines 46-57). Further, within a customer's information database (50), shipping information is stored (col. 9, lines 9-14).

Referring to claims 11, 13, 14, 25, 27, 28, 39, 41 and 42 Ogasawara discloses the communication link transmitting data from the user's mobile device is a radio signal or wireless medium (col. 11, lines 45-57). In a second embodiment, Ogasawara provides a PDA or videophone (218), which can be considered as a mobile device (col. 15, lines 63-67 and col. 16, lines 1-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of USPN 6,026,375 to Hall et al. Ogasawara discloses a shopping application program which facilitates the receiving and processing of product selections made by a user via a mobile device as discussed above, but Ogasawara fails to disclose a condition where the purchase transaction program cannot process an order, as a result, the second order data is provided to a second merchant for processing. Hall et al teaches a system for processing an order from a mobile customer (100), the system comprises a component for receiving an order from a customer's mobile device (105), where the order includes customer identifying information; another component (150) for identifying facilities (172, 174, 176) capable of completing the order; a component (360, 376) determining a desired time of completion of the order and which facility is capable of completing the order within a predetermined time as desired by the customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the electronic shopping system of Ogasawara to include the order processing system as taught by Hall et al to provide an improved electronic shopping system providing order/transaction of product(s) through a plurality of networking merchants/transaction programs/sellers for the purpose of assuring availability and/or readiness

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of an order/transaction as requested by a customer, where customer satisfaction is upheld and customer inconvenience is eliminated.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment of March 24, 2004 have been fully considered but they are not persuasive.

In response to applicant's remarks on pages 15 and 16 of the above amendment and applicant's amendment to the claims, the Examiner has set forth another interpretation of the prior art of record relied upon (Ogasawara) which may be used to meet the limitations of applicant's claims as described in this Action. In particular, applicant's remarks state, that Ogasawara does not disclose or suggest receiving any type of order data from an order when or prior to the user of the wireless device initiating connection to the server to prompt downloading of a purchase transaction program. Here, the Examiner disagrees and believes, although not emphasized as a main point, Ogasawara does acknowledge that alternatively the server (10, 26) may send information (promotional and or discount information about product or services) to a user's wireless device, which is interpreted by the Examiner as the first order data. Therefore, the server acts as an "intermediate component" supplying the above information/data to the user's wireless device on behalf of the plurality of competing vendors/sellers to enhance their respective sells of goods or services.

In addition, applicant's specification on page 11, lines 14-16 state that a customer's device may be provided with information from a facilitator/intermediary to generate the first order data, which is broadly interpreted as being similar to an alternative aspect of the system of

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Ogasawara, which can be employed. That is to say, that at any time, promotional or discount information can be transmitted to a user's wireless device, which in turn, the user may desire to purchase goods or services based upon an advantage the promotional or discount information provides, thus the user establishes a connection to the server to take advantage of the promotional or discount information by downloading an appropriate transaction program which corresponds to the promotional or discount offer from the vendor(s)/seller(s).

Therefore, based on the above reasoning the Examiner believes Ogasawara meets every limitation of applicant's amended claims.

Accordingly claims 1-44 remain rejected as being unpatentable over Ogasawara and Ogasawara in view of Hall et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ

A handwritten signature in black ink, appearing to read 'Robert J. Sandy', with a long, sweeping horizontal stroke extending to the right.

ROBERT J. SANDY
PRIMARY EXAMINER